

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 01-202
ACTION AGAINST)	
)	
Clover Park School District)	Notice of Administrative
)	Charges
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Commission, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.680 states in part:

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's

request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

III. **BACKGROUND**

On March 30, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging that the Clover Park School District was in violation of RCW 42.17.680 for failing to maintain open for public inspection copies of employees' requests for payroll deductions of contributions to the Washington Education Association's (WEA) political committee, "Washington Education Association – Political Action Committee" (WEA-PAC). PDC staff reviewed the complaint and the response from the Clover Park School District. PDC staff also reviewed the Clover Park School District employees' WEA-PAC payroll deduction authorizations submitted by the District's payroll office, the 2000-2001 school year payroll registers showing WEA payroll deductions, and the 2000-2001 APA Blue Cross WEA dues billing statements for certificated employees.

IV. **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

Failure to Maintain Open for Public Inspection Employees' Payroll Deduction Authorization Forms For Contributions to a Political Committee (RCW 42.17.680(4))

A representative of the Evergreen Freedom Foundation (EFF) visited the Clover Park School District's payroll office on March 30, 2001 and asked to see the District employees' requests authorizing payroll deductions for contributions to WEA-PAC. The EFF representative's request to view the WEA-PAC payroll deduction authorizations was denied by the District.

Carole Burger, Administrator for Human Resources for the District, stated that the District had signed WEA-PAC authorizations on hand at the time of the visit by the EFF representative. Ms. Burger stated that the EFF representative spoke with a payroll clerk and benefits manager, gave the District employees a business card identifying her association with the EFF, but did not provide any information as to why she wanted to see the individual WEA-PAC authorization forms. Ms. Burger said because neither employee was authorized to release individual employment records, the request to view the withholding authorizations was refused.

The Clover Park School District withholds WEA-PAC contributions for 33 of its employees. All employees have signed withholding authorization forms on file with the District. None of the 2000-2001 WEA-PAC contributions were withheld before the District received a signed authorization.

Ms. Burger stated that the District has taken steps to put all employee withholding authorization forms in a central file that is available for public inspection. She stated that the District intends to comply with the applicable laws and regulations.

V. **CONCLUSION**

Staff alleges, based on the facts specified in Section IV, that the Clover Park School District violated **RCW 42.17.680(4)** by failing to maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts required by RCW 42.17.680 including a copy of each employee's request for withholding wages for the purpose of making contributions to a political committee.

RESPECTFULLY SUBMITTED this 7th day of August, 2001.

Philip E. Stutzman
Director of Compliance